



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive - AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

October 1, 2009

Ms. Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001



225810

Re: STB Docket No. AB-6 (Sub-No. 469X)
BNSF Railway Company Abandonment Exemption in Pierce County, Washington

Dear Ms. Quinlan:

Enclosed for filing in STB Docket No. AB-6 (Sub-No. 469X) are the original and ten copies of BNSF Railway Company's Notice of Exemption under 49 C.F.R. § 1152.50.

Also enclosed is a check in the amount of \$3,700.00 for the filing fee.

Sincerely, -


Kristy D. Clark
General Attorney

FEE RECEIVED

Enclosures: As stated

KDC/so

OCT 02 2009

**SURFACE
TRANSPORTATION BOARD**

FILED

OCT 02 2009

**SURFACE
TRANSPORTATION BOARD**

**ENTERED
Office of Proceedings**

OCT 02 2009

**Part of
Public Record**

BEFORE THE
SURFACE TRANSPORTATION BOARD



BNSF RAILWAY COMPANY)
ABANDONMENT EXEMPTION)
IN PIERCE COUNTY, WASHINGTON)

DOCKET NO. AB-6
(SUB-NO. 469X)

NOTICE OF EXEMPTION

FILED

OCT 02 2009

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

SURFACE
TRANSPORTATION BOARD

Kristy D. Clark
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

ENTERED
Office of Proceedings

OCT 02 2009

Part of
Public Record

Dated: October 1, 2009

FEE RECEIVED

OCT 02 2009

SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB-6
IN PIERCE COUNTY, WASHINGTON)	(SUB-NO. 469X)

NOTICE OF EXEMPTION

BNSF Railway Company ("**BNSF**") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon the 1.56-mile rail line located between Milepost 0.59 and Milepost 2.15 in Tacoma, Pierce County, Washington (the "**Line**").

1. *Proposed consummation date.*

The proposed consummation date is November 23, 2009.

2. *Certification required by 49 C.F.R. § 1152.50(b).*

The required certification is attached hereto as Exhibit A.

3. *Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).*

(a) *General.*

(1) *Exact name of applicant.*

BNSF Railway Company

- (2) ***Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.***

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) ***Relief sought.***

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon the 1.56-mile rail line located between Milepost 0.59 and Milepost 2.15 in Tacoma, Pierce County, Washington. There has been no local freight rail traffic on the Line in over two years and all overhead traffic has already been rerouted.

- (4) ***Map.***

A map of the Line is attached as Exhibit B.

- (7) ***Name, title and address of representative of applicant to whom correspondence should be sent.***

Kristy Clark
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, TX 76131

- (8) ***List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.***

The Line traverses ZIP code: 98402.

- (e) ***Rural and community impact.***

- (4) ***Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or***

the use of property for other than rail purposes, this shall be disclosed.

The Line traverses an urban area with more than adequate road and highway networks, therefore, there is little or no likelihood that the rail corridor is needed for transit purposes. However, the right-of-way is suitable for recreational trails, alternative transportation (bicycle, pedestrian) and a linear urban park.

4. *The level of labor protection.*

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

5. *Certification.*

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. *Certification of Service – Environmental and Historic Reports*

The Certificate of Service of the Environmental and Historic Reports is attached to this Notice as Exhibit D.

[signature page follows]

Respectfully submitted,

A handwritten signature in cursive script that reads "Kristy Clark". The signature is written in black ink and is positioned above a horizontal line.

KRISTY CLARK
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Dated: October 1, 2009

EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF TEXAS

)

)

ss.

TARRANT COUNTY

)

I, Susan Odom, being duly sworn depose and state that I am Manager Network Strategy for BNSF Railway Company ("**BNSF**"), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between Milepost 0.59 and Milepost 2.15 in Tacoma, Pierce County, Washington ("the **Line**") for at least two (2) years prior to the date hereof and all overhead traffic has been rerouted. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.




Susan Odom
Manager Network Strategy

SUBSCRIBED AND SWORN TO before me this 1ST day of October, 2009.

My Commission Expires: 06/05/2012





Notary Public

EXHIBIT B



EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-6 (Sub-No. 469X) was mailed via first class mail on August 27, 2009, to the following parties:

State Public Service Commission

Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504

Military Traffic Management Command

Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

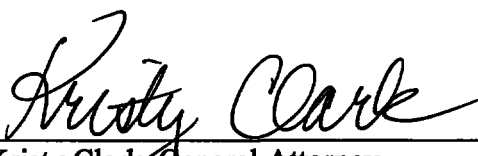
National Park Service

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, SW
Washington, DC 20250

Dated: October 1, 2009

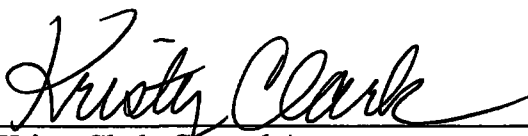


Kristy Clark, General Attorney

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-6 (Sub-No. 469X) was published on August 30, 2009 in the *The News Tribune*, a legal newspaper published daily in Tacoma, Pierce County, Washington as required by 49 C.F.R. § 1105.12.

Dated: October 1, 2009



Kristy Clark, General Attorney

EXHIBIT D
CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC
REPORTS

The undersigned hereby certifies that the transmittal letter required by 49 CFR 1105.11 was mailed with a copy of the applicable Environmental and/or Historic Reports to all agencies listed in CFR 49 1105.7(b) via first class mail on the 24th day of August, 2009, including:

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

Washington Department of
Archaeology and Historic Preservation
1063 South Capitol Way, Suite 106
Olympia, WA 98501

Pierce County Planning and Land Services
2401 South 35th Street
Tacoma, WA 98409

Tacoma Community & Economic Development
747 Market Street
Tacoma, WA 98402

BLM - Wenatchee Field Office
915 North Walla Walla
Wenatchee, WA 98801

U.S. EPA – Region 10
1200 Sixth Avenue
Seattle, WA 98101

Program Leader Rivers Trails
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, CA 94607

State of WA Department of Fish and Wildlife
16018 Mill Creek Boulevard
Mill Creek, WA 98012

Washington Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Shoreland & Coastal Zone Management
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Natural Resources Conservation Service
316 West Boone Avenue, Suite 450
Spokane, WA 99201

NRCS - USDA Puyallup Service Center
1011 East Main, Suite 106
Puyallup, WA 98372-6768

U.S. Army Corps of Engineers (CENWS-PA)
P.O. Box 3755
Seattle, WA 98124-3755

US Fish and Wildlife Service - Region 1
911 Northeast 11th Avenue
Portland, OR 97232-4181

Dated this 1st day of October 2009



Kristy D. Clark